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Selectmen's Minutes 09-24-2007

TOWN OF ARLINGTON BOARD OF SELECTMEN

Meeting Minutes
 Monday, September 24, 2007
 7:00 p.m.

Present: Annie LaCourt, Chairman, Diane Mahon, Vice Chairman, John Hurd, and Clarissa Rowe

Absent: Kevin Greeley

Also Present: Brian Sullivan, John Maher, Marie Krepelka, and Mary Ann Sullivan.

PUBLIC HEARING-TOWN HALL AUDITORIUM

Abutters of Bike Path Survey

Selectman LaCourt welcomed all residents and non-residents for attending said meeting.

Speakers:

Brian Sullivan stated the concerns of John Bean, Director of Public Works. He referred to the safety concerns and the impacts on other Department of Public Works snow fighting efforts. Winter maintenance concerns unique to the trail and annual cost projection. He also stated that his concerns were the same as the Director of Public works, primary ones being safety and costs.

John Maher, Town Counsel stated the Town may choose not to plow the bikeway since in M.G.L c.258, Subsection 10 there is no liability given that the decision as to how to expend local revenues and to what programs Towns use such revenue and is a discretionary one to which no liability can attach. If the Town chose to plow the bikeway, then to the extent that there was any personal injury or property damage that would arise from an individual suffering an accident, the Town would be immune from liability as a result of M.G.L. c 21, Subsection 17C, the so-called Recreational Use Statute, which immunizes municipalities and private land owners from any injuries occurring in local areas open to the public excepting only willful, wanton or reckless misconduct. There would be increased liability that would arise from plowing the bikeway if the Town negligently plowed in such a fashion as to cause personal injury or more likely property damage to any abutting property owners to the bikeway as opposed to users thereof.

Principal Hardy School – Deborah D’Amico - spoke in favor of plowing bike path, especially since the bike path has been designated as the safe route for children to go the Arlington Boys & Girls Club in case of emergency.

Clarissa Rowe, read a letter on behalf of Nathaniel Stevens, Chairman, Conservation Commission – letter attached.

Jack Jones, ADA Coordinator Leader, stated that although he supports the Commission on Disabilities request to plow the trail, he understands the financial position of the town and that in his opinion priorities should be given to clearing curb cut ramps.

Rachel Stark, Chr., Walking In Arlington

Walking in Arlington strongly supports year round access for all to use the trail, as well as, to the streets, sidewalks, bus stops and stores.

Jack Johnson, Ch. Bike Advisory Committee stated that in general, the committee has been supportive of original design – no lights, no plowing, but the committee has been warming up to full access year round. He stated he would be happy to advise the Town about their concerns, especially about wear and tear of bike path, sanding, salting and concern about pot holes.

Barbara Cutler, Member of Commission on Disabilities is in favor of clearing the trail after all curb cuts have been done.

Barbara Jones, Member of Commission on Disabilities stated that she would like to see the trail plowed for everyone including Drake Village and Winslow Towers that are close proximity of the bike path

Ann Jochnick, 9 Lakeview Avenue- eight year resident – IN FAVOR

Jeff Roth, Arlington Winter Access Initiative – IN FAVOR – letter attached

Scott Smith – Avon Place – abutter IN FAVOR – suggested creating private foundation in order to plow pike bath.

Steven Michael – 3 1/2 year resident – IN FAVOR

Sam Nejame, Cambridge, MA – IN FAVOR

Scott Smith – member of TAC – speaking as resident – IN FAVOR

Catherine Carrigan - 50 year resident - AGAINST

Helen Cyr– 14 Grove St. Place – IN FAVOR

Stephen Cronin, 29 Wyman Terrace - AGAINST

Rosemary Mattuck, 52 Margaret Street – IN FAVOR

Melissa Carr – IN FAVOR

Elsie Fiore, 58 Mott Street - AGAINST

Gian Schauer, 72 Brooks Avenue – IN FAVOR

Anna Bergren & Hannah Blitzblau, 42 Brooks Avenue – IN FAVOR

Kate Kapstad 130-132 Varnum Street – IN FAVOR

Frank Cunningham, 56 Margaret St. 20 year resident - AGAINST

Kerrie Fallon, 9 Cleveland St., Chairman of Commission on Disabilities—IN FAVOR

Paulo Marinelli, 28 Brooks Avenue -- Mr. Marinelli presented Ms. LaCourt with a petition signed by 473 people all in favor of keeping bike path open year round. He stated that numerous abutters did not receive the survey and felt the town should up-date their list of residents abutting the bike path. See attached letter.

Michael Brown, 10 Brattle Terrace - IN FAVOR

Selectman Hurd felt that issue is more complex with those who oppose the safety and funding and those who are in favor of plowing the pike path. He stated that we'd all like to see the bike path plowed, but it's about what is practical from a funding and resources standing.

Mrs. Mahon stated that the cost to maintain the path through de-icing and sanding is about \$26,700. She is concerned about costs with our present financial needs. Has further questions on liability. Stated we have only 11 town employees that can actually plow. MBTA has been plowing from the T station to Varnum Street and occasionally we have plowed to Lake Street, ideally maybe we can go up to Carberry's. Feels private fund raising would be a great idea. Also we should look at fines imposed for not shoveling.

Ms. Rowe thanked everyone for coming and acknowledges that the important message that we all heard tonight is about how dramatically the bike path has changed since 1992.

Ms. LaCourt stated that we have flexibility in the snow and ice budget but ultimately it does come out of the operating budget. If it exceeds our dollars allotted on the snow and ice budget, we have to pay ourselves back in the following year's operating budget. Ms. LaCourt thanked everyone for coming and sharing their creative ideas and passion about the pike bath, but is also concerned about the previous BOS commitment to abutters.

Mr. Hurd made motion to continue this matter until the October 15th meeting.

SO VOTED (4-0)

2. Bike Path Safety Issues

John W. Hurd, Selectmen

Mr. Hurd recommended the formation of a sub-committee to develop policies and procedures relative to the use of bike path. Mr. Hurd brought to the attention of the Board concerns relative to the safety issues on the Minuteman Bike Trail.

Mrs. Mahon made a motion to create a sub-committee, appointing Mr. Hurd and Ms. Rowe.

SO VOTED (4-0)

The Selectmen agreed that this would be a future agenda item and the goal was to start the conversation going on bike path safety.

Jack Johnson of the Arlington Bicycle Committee spoke on better bike safety through signage and offered to work with the sub-committee.

Scott Smith of the Arlington Bicycle Committee spoke on bringing walkers and cyclists together for creating better safety.

Rachel Stark of Walking in Arlington spoke on 1) making better path access, 2) promote using the path and sidewalks along with roads utilizing all resources, 3) creating bike lanes on Mass. Ave., and 4) sidewalks along Alewife Brook Parkway on both sides.

Mrs. Mahon requested that Mr. Sullivan and Mr. O'Brien factor in bike lanes while undergoing the Massachusetts Avenue Corridor Project.

APPOINTMENTS & REAPPOINTMENTS

3. **Reappointments: Historical Commission**

Richard Duffy

(term to expire 10/04/10)

Mr. Hurd moved approval.

SO VOTED (4-0)

Patrick Guthrie

(term to expire 04/04/10)

Ms. Rowe moved approval.

SO VOTED (4-0)

4. **Reappointment: Open Space Committee**

David White

(term to expire 10/15/10)

Ms. Rowe moved approval.

SO VOTED (4-0)

5. **Discussion: Arlington – Teonsinte Sister City Project**

Annie LaCourt, Selectmen

Ms. Beth Salzburg reported the committee's accomplishments since 2005 and requested the Board vote to reaffirm the Town's commitment to the Teonsinte Sister City Project

Ms. Rowe moved to reaffirm the Town's interest in the Teonsinte Sister City

Affiliation.

SO VOTED (4-0)

The Selectmen agreed more school and youth involvement would be a great asset to the program and that the school representative on the Board of Selectmen to discuss it further at a future meeting.

6. **CITIZENS OPEN FORUM**

The following matter was presented for consideration of the Board.

Mrs. Worden, 27 Jason Street, warned the Selectmen to not support JPI's offer of substituting \$150,000.00 in a one-time down payment instead of supporting affordable housing. Mrs. Worden stated that the Selectmen had a great opportunity to fulfill Affordable Housing by accepting the motion stated in her letter.

TRAFFIC RULES & ORDERS/OTHER BUSINESS

7. **Discussion: Affordable Housing at Symmes**

Laura Wiener, Director of Housing

John Griffin, Arlington Housing Authority

Ms. Wiener requested that the Selectmen vote to accept her motion/application allowing the Symmes Redevelopment Association to make a one-time payment of \$150,000.00 to aid in Affordable Housing at the Symmes Project.

Mrs. Worden read a letter on behalf of John Griffin who could not attend. Mr. Griffin stated that he had not been included in the negotiating meeting re: Affordable Housing and that he objects to this one time offer by Symmes Redevelopment Association. He feels it is little money for such a large project and would like more negotiations.

Mr. Kevin O'Brien, Director of Planning, stated that the Planning and Redevelopment Board feel that the Symmes Redevelopment Association's offer is a significant contribution to keep flexible for applicants through the Affordable Housing lottery process.

After much discussion by the Selectmen, Ms. Rowe reclused herself due to business associations with EA Fish, the Selectmen voted the following:

Mr. Hurd moved to table the discussion until the October 15th meeting.

SO VOTED (2-1-1)

Mr. Hurd and Mrs. Mahon voted in the affirmative, Ms. LaCourt voted in the negative, and Ms. Rowe abstained.

8. Discussion: Patriots' Day Parade

Brian Greeley

Ms. Rowe moved approval that the Patriot's Day Parade to be held on Sunday, April 20th at 2:00 pm.

SO VOTED (4-0)

9. Discussion: Children's Room Memory Walk – Minuteman Bike Trail

Sunday' October 14th 1-3 p.m.

John W. Hurd, Selectmen

Ms. Rowe moved approval.

SO VOTED (4-0)

Correspondence Received

Sinan Akdag Traffic concerns on Columbia Rd.
28 Columbia Rd.

Be Rec'd

John F. Maher Buzzzell Field Reconstruction
Town Counsel

Be Rec'd

Mrs. Mahon moved receipt of correspondence.

SO VOTED (4-0)

NEW BUSINESS

Mr. Sullivan congratulated Joe Connelly, Recreation Department Director, for the great job that he and his staff did while the new rink chiller project was underway.

Mrs. Mahon asked that Mr. Gilligan's request be added as a future agenda item.

Mrs. Mahon asked that there be a Summer Street update re:

- 1) website message to the Summer St. neighbors of what's happening

- 2) the new Hospital Road traffic light is bad timing

Mrs. Mahon expressed sympathy to Trooper Sullivan's family on his sudden death while refereeing the AHS Football game, and that the AHS Athletic Department will send an arrangement. The Board of Selectmen stated Trooper Sullivan would be missed and offered condolences to family and friends.

Mr. Hurd asked that the Columbia Road correspondence be referred to TAC, to be a future agenda item.

Ms. LaCourt reminded everyone that the next Summit Meeting, Summit III, is October 2nd at 7:00pm in the Town Hall Auditorium.

Ms. LaCourt asked the Selectmen for a date for the next Goal Setting Work Shop. The Selectmen agreed to November 3rd at 8:30 am in the 1st Floor Annex conference room, with the joint meeting with the Redevelopment Board to follow at 10:30am. The Redevelopment Board is to be contacted to arrange the joint meeting

**TOWN OF ARLINGTON
BOARD OF SELECTMEN
Meeting Minutes
Addendum**

1. Town Awards Committee Update

Mary DeCoursey

The Selectmen received the report and reminded the audience of the October 5th deadline for nominations. It was also decided to look at guidelines for the nominations at the October 15th meeting.

2. Discussion: Human Rights Commission Letter

Joseph A. Curro, Jr., Chair

Mrs. Mahon moved approval to initiate the clean up of the boardwalk.

SO VOTED (4-0)

The remainder of the discussion, resolution regarding No Place For Hate and the invitation to Diversity Training Day, will be at the October 15th meeting. Ms. LaCourt volunteered to participate in the Diversity Training Day.

3. Request: One Day All Alcohol License, 10/13/07, Town Hall Auditorium

Resist, Inc.

Mrs. Mahon moved approval.

SO VOTED (4-0)

Mrs. Mahon moved to adjourn at 10:55 pm.

SO VOTED (4-0)

A True Record: Attest:

Mary Ann Sullivan

Next meeting of BOS Monday, October 15th.

